



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

VIRGINIA LAW REGISTER

R. T. W. DUKE, JR., EDITOR.
A. R. MICHIE AND FRANK MOORE, ASSOCIATE EDITORS.

Issued Monthly at \$5 per Annum. Single Numbers, 50 cents.

All Communications should be addressed to the PUBLISHERS.

It has been said that the United States of America manufactures more heroes on less raw material than any other nation in the world. We do not think that this charge is entirely without foundation. Witness the soon made and

A Resurrection. sooner forgotten heroes of the last decade.

The re-interment of the body of James Wilson at Christ's Church, Philadelphia, alluded to in the last issue of the REGISTER, seems to give further credence to this condition of affairs; for it brought out an amount of adulation of that Justice as a jurist which we do not think is at all justified by the facts of the case. Wilson was beyond doubt a man of great distinction in his day. A Signer of the Declaration, a member of the United States Constitutional Convention, a Justice of the Supreme Court commissioned by Washington, he must have been a man of no small degree intelligence, strength, and power, but to speak of him as the equal of John Marshall as a jurist, or as in any way the foreshadower of Marshall's views of the Constitution, is absolutely without foundation. That he "out-Hamiltoned Hamilton" his opinion in *Chisholm v. Georgia*, 2 Dallas 419, plainly evinces; but this opinion and his opinion in *Ware v. Hylton*, 3 Dallas 199, are the only two opinions worth reading in his whole career as a Justice of the Supreme Court. The fact is that he only delivered eight opinions whilst on the Supreme Bench. Three of these are contained in three, four, and eight lines each, of the official reports and amount practically to nothing. The other four evince no particular learning or ability out of the ordinary. That in *Ware v. Hylton* is only a little over one page in length; so the whole of this reputation given him by his adulators must depend upon *Chisholm v. Georgia*. If one reads Justice Iredell's opinion in the same case with an unprejudiced eye, it can be seen that the North Carolinian was in every way the equal if not the superior of the Pennsylvania Justice.

It has been suggested—we are afraid by a Moss-back old States-right Democrat—that a great deal of the praise bestowed upon the late Justice had for its purpose to call public attention to the growing demand in this country by certain persons for an even stronger centralization of government than we now have, and to resurrect along with the Justice's body the almost wholly forgotten opinion in *Chisholm v. Georgia*, which was a plea for the "Nation" as against the Sovereign States.

R. T. W. DUKE, JR.

We are informed that the statement in a newspaper of a recent date that Alfred P. Thom, Esq., General Counsel for the Southern Railway, had stated that there was no criminal liability resting on the operator who was

Criminal Responsibility for Negligence. directly responsible for an accident on their line, is incorrect, and that Mr. Thom was misquoted by the newspaper. We understand from the best authority that Mr. Thom's views are entirely in accordance with the views of the REGISTER as stated in an editorial on this subject in the January number.

Comment has been made upon our editorial in regard to the number of reversals contained in 104 Virginia Reports. Whilst that article was intended of course for the profession, who would know that it did not represent appeals and

Reversals. writs of error refused, yet it has been suggested that it is not exactly fair to judge the work of the Court of Appeals in the matter of reversals by the number of cases contained in the reported volume. This criticism of course is absolutely just and we are glad to be able to say that by examining the number of appeals and writs of error refused, we find that about 72 per cent. of the cases that go up to the Appellate Bench in *Virginia* are sustained—in other words, taking the writs of error and appeals refused, which of course amount to a confirmation of the decision of the lower court, the percentage of reversals in the State of Virginia is about twenty-eight in one hundred.